

E. JEFFREY GRUBE (SB# 167324) jeffgrube@paulhastings.com
KERRI N. HARPER (SB# 217377) kerriharper@paulhastings.com
ANNA L. CHU (SB# 243378) annachu@paulhastings.com
PAUL, HASTINGS, JANOFSKY & WALKER LLP
55 Second Street, 24th Floor
San Francisco, CA 94105-3441
Telephone (415) 856-7000
Facsimile (415) 856-7100

Attorneys for Defendant
UNITED PARCEL SERVICE, INC.

STEVEN J. MEHLMAN, ESQ. (SB# 95881) steven@mehlman-terbeek.com
MARC L. TERBEEK, ESQ. (SB# 166098) marc@mehlman-terbeek.com
MEHLMAN TERBEEK LLP
2125 Oak Grove Road, Suite 125
Walnut Creek, CA
Telephone: (925) 935-3575
Fax: (925) 935-1789

Attorneys for Plaintiff
MARK HARRIS

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

MARK HARRIS,

Plaintiff,

vs.

UNITED PARCEL SERVICE, INC., an
Ohio and Georgia Corporation; and DOES
ONE THROUGH ONE HUNDRED,
inclusive,

Defendants.

CASE NO. C-08-01810-JSW

**STIPULATION AND ~~PROPOSED~~
ORDER TO FILE SECOND AMENDED
COMPLAINT**

STIPULATION AND ~~PROPOSED~~ ORDER

Pursuant to Federal Rule of Civil Procedure 15(a)(2), Plaintiff Mark Harris and Defendant United Parcel Service, Inc. ("UPS"), acting through their respective counsel of record, stipulate as follows:

1. Plaintiff seeks leave to file the Second Amended Complaint, attached hereto as Exhibit A;
2. Although it denies that Plaintiff's Complaint has merit and contends that Plaintiff has not suffered any damages, UPS does not oppose Plaintiff's request for leave to file the attached Second Amended Complaint;
3. Plaintiff shall file the attached Second Amended Complaint within 10 days of the date the Court enters this Order;
4. UPS will have the time allowed under Federal Rule of Civil Procedure 15(a)(3) to file an answer or otherwise respond to the attached Second Amended Complaint; and
5. Plaintiff has agreed to submit to an additional day of deposition after the filing of the Second Amended Complaint.

IT IS SO STIPULATED:

DATED: August 26, 2008

/s/ Kerri N. Harper
Kerri N. Harper
Paul, Hastings, Janofsky & Walker, LLP
Attorney for Defendant United Parcel Service

DATED: August 26, 2008

/s/ Marc Terbeek
Marc Terbeek
Mehlman Terbeek LLP
Attorney for Plaintiff Mark Harris

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED

DATED: August 28, 2008


HONORABLE JEFFREY S. WHITE